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Subject: Mandatory State Bar

If the Mandatory State Bar is to be gagged to the extent that it cannot comment even on a subject as basic to lawyering and justice as the transparency of judicial elections, it should be eliminated. If any topic that is "perceived" to be associated with a candidate or political party can be deemed off-limits by a politically-elected Supreme Court, the operation of the mandatory Bar has been rendered ineffectual, deceptive and in essence, ornamental.

If the Bar cannot operate as an autonomous entity with reasonable capacity to comment on the structure and operation of the system of justice, lawyers should not be compelled to support its ornamental, hollow, and ineffectual structure. Attorneys should perhaps be taxed for the expense of regulating discipline and practice of the profession, but there should be no suggestion that an organization exists with the power to independently comment on the practice of law or the operation of the court system. If we lack the capacity to operate as a representative, democratic body, it should be clear that the skeleton of the mandatory bar is that and nothing more. People who would "gag" our collective voice should be denied the power to preserve the image of a collective, independent voice. The Bar should be reduced, publicly, to the "neutered," disciplinary organization that it has been rendered. The Bar should publicly become what it is known to be elsewhere: the captive puppet of the dominant political power in government.

We should not serve as gagged lackeys to a partisan system having total veto power over our collective opinion about the operation of the courts of our state and the selection of the judiciary. If asking the Legislature to improve the transparency and accountability of judicial elections is deemed a request "too political" for the State Bar to make, the Bar serves no meaningful purpose and should be eliminated.

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